

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

EDWARD CANALES, SUSAN BILBO  
CANALES,

Plaintiffs,

v.

UNITED AIRLINES, INC., DOES 1  
THROUGH 20, INCLUSIVE,

Defendants.

No. 2:22-CV-00042 WBS DB

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for August 15, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The named defendant has been served, and no further service is permitted without leave of court, good cause having

1 been shown under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to  
4 pleadings will be permitted except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992). The parties stipulate to a deadline of  
8 September 1, 2022 for the filing of any motion to amend the  
9 pleadings. (Joint Status Report at 2 (Docket No. 15).)

10 III. JURISDICTION/VENUE

11 Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and  
12 1332, because plaintiffs assert claims under the Air Carrier  
13 Access Act, 49 U.S.C. § 41705, and complete diversity of  
14 citizenship exists between the parties and the amount in  
15 controversy exceeds \$75,000. Venue is undisputed and hereby  
16 found to be proper.

17 IV. DISCOVERY

18 The parties shall serve the initial disclosures  
19 required by Federal Rule of Civil Procedure 26(a)(1) on or before  
20 September 12, 2022.

21 The parties shall disclose experts and produce reports  
22 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
23 later than February 15, 2023. With regard to expert testimony  
24 intended solely for rebuttal, those experts shall be disclosed  
25 and reports produced in accordance with Federal Rule of Civil  
26 Procedure 26(a)(2) on or before March 17, 2023.

27 All discovery, including depositions for preservation  
28 of testimony, is left open, save and except that it shall be so

1 conducted as to be completed by April 28, 2023. The word  
2 "completed" means that all discovery shall have been conducted so  
3 that all depositions have been taken and any disputes relevant to  
4 discovery shall have been resolved by appropriate order if  
5 necessary and, where discovery has been ordered, the order has  
6 been obeyed. All motions to compel discovery must be noticed on  
7 the magistrate judge's calendar in accordance with the local  
8 rules of this court and so that such motions may be heard (and  
9 any resulting orders obeyed) not later than April 28, 2023.

10 V. MOTION HEARING SCHEDULE

11 All motions, except motions for continuances, temporary  
12 restraining orders, or other emergency applications, shall be  
13 filed on or before June 16, 2023. All motions shall be noticed  
14 for the next available hearing date. Counsel are cautioned to  
15 refer to the local rules regarding the requirements for noticing  
16 and opposing such motions on the court's regularly scheduled law  
17 and motion calendar.

18 VI. FINAL PRETRIAL CONFERENCE

19 The Final Pretrial Conference is set for August 14,  
20 2023, at 1:30 p.m. in Courtroom No. 5 or via videoconference.  
21 The Courtroom Deputy will notify the parties prior to the  
22 Conference whether it will be in person or via videoconference.  
23 The Conference shall be attended by at least one of the attorneys  
24 who will conduct the trial for each of the parties and by any  
25 unrepresented parties.

26 Counsel for all parties are to be fully prepared for  
27 trial at the time of the Pretrial Conference, with no matters  
28 remaining to be accomplished except production of witnesses for

1 oral testimony. Counsel shall file separate pretrial statements,  
2 and are referred to Local Rules 281 and 282 relating to the  
3 contents of and time for filing those statements. In addition to  
4 those subjects listed in Local Rule 281(b), the parties are to  
5 provide the court with: (1) a plain, concise statement which  
6 identifies every non-discovery motion which has been made to the  
7 court, and its resolution; (2) a list of the remaining claims as  
8 against each defendant; and (3) the estimated number of trial  
9 days.

10 In providing the plain, concise statements of  
11 undisputed facts and disputed factual issues contemplated by  
12 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims  
13 that remain at issue, and any remaining affirmatively pled  
14 defenses thereto. If the case is to be tried to a jury, the  
15 parties shall also prepare a succinct statement of the case,  
16 which is appropriate for the court to read to the jury.

17 VII. TRIAL SETTING

18 The jury trial is set for October 3, 2023 at 9:00 a.m.  
19 The parties estimate that the trial will last four to seven days.

20 VIII. SETTLEMENT CONFERENCE

21 A Settlement Conference with a magistrate judge will be  
22 set at the time of the Pretrial Conference. Counsel are  
23 instructed to have a principal with full settlement authority  
24 present at the Settlement Conference or to be fully authorized to  
25 settle the matter on any terms. At least seven calendar days  
26 before the Settlement Conference counsel for each party shall  
27 submit a confidential Settlement Conference Statement for review  
28 by the settlement judge. The Settlement Conference Statements


1 shall not be filed and will not otherwise be disclosed to the  
2 trial judge.

3 IX. MODIFICATIONS TO SCHEDULING ORDER

4 Any requests to modify the dates or terms of this  
5 Scheduling Order, except requests to change the date of the  
6 trial, may be heard and decided by the assigned Magistrate Judge.  
7 All requests to change the trial date shall be heard and decided  
8 only by the undersigned judge.

9 IT IS SO ORDERED.

10 Dated: August 5, 2022

  
11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28